

CITY COUNCIL MINUTES
February 9, 2009
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, February 9, 2009 at 6:00 p.m. with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, Kevin Hanley, Bill Kirby, Bridget Powers, J. M. Holmes

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Senior Planner Reg Murray, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Administrative Services Director Andy Heath

By **MOTION** adjourn to a Closed Session under Government Code Section 54957:6 **MOTION: Nesbitt/Hanley/Approved by Voice**

(1) **CONFERENCE WITH LABOR NEGOTIATORS**

Agency Designated Representatives: Robert Richardson

Employee Group: All Bargaining Units

(2) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

G.C. 54956.8

Property: APN 038-112-033, APN 038-112-035

Agency
Negotiator: Bob Richardson

Negotiating California Department of Transportation and Mussetter
Under Negotiation: Price and Terms of Payment

(3) **CONFERENCE WITH LEGAL COUNSEL**

The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation:

G.C. 54956.9(a)

Ronald & Judy Fisher v. City of Auburn, Placer County Superior Court
Case No. SCV 23750

REPORT OUT OF CLOSED SESSION

No reportable action

PLEDGE OF ALLEGIANCE

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

Mayor Homes presented a Proclamation to Michelle Talbott naming her Humanitarian of the Year. Ms. Talbot has been the Social Services Director for the Auburn Salvation Army for the past fifteen years. He presented her with a pin representing a key to the City for her participation in the efforts of the Salvation Army.

Mayor Holmes announced that he would dedicate the meeting to the memory of Harry Sands who was a long-time, involved, citizen of the Auburn Community.

AGENDA APPROVAL

Robert Snyder, 100 Marina Avenue, Auburn requested that the following meeting of the AUDA exchange Item 3 for 4. Mayor Holmes advised that the AUDA was a separate meeting.

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. **Warrants**

By **RESOLUTION 09-11** approve Warrants # 71560 through 71742 totaling \$1,208,457.33.

2. **Minutes**

Council Member Nesbitt requested that Item No. 2 be removed from the Consent Calendar for discussion.

3. **Ordinance Amendment Public Noticing Requirements-2nd Reading**

By **ORDINANCE 09-01** hold a second reading by title only of the Public Noticing Requirements Ordinance, amending Section 159.460 et seq. of Chapter 159 of Title XV of the Auburn Municipal Code.

4. **Professional Services Agreements for the Baltimore Ravine Specific Plan – PBS&J; Adrienne Graham, KD Anderson and Nexgen Utility Management**

Mayor Holmes requested that Item No. 4 be removed from the Consent Calendar for discussion.

5. **CalPERS Two-Years Additional Service Credit Participation**

By **RESOLUTION 09-13** add another designated period to participate in the California Public Employee's Retirement System's (CalPERS) Two-Year Service Credit from February 10, 2009 through May 10, 2009 for eligible members in the Fire Battalion Chief classification.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar excluding Items 2 and 4.

MOTION: Hanley/Powers/Approved 5:0

2. **Minutes**

Council Member Nesbitt requested a revision to the minutes of January 26, 2009. He said that during the discussion on the 26th he suggested that if a separate environmental project was to be sought, SARSAS (Save Auburn Ravine Salmon and Steelhead) should be considered. He said he would like the minutes to reflect that action as a part of the public record.

City Attorney Colantuono provided the language: "Council Member Nesbitt suggested that a project in association with SARSAS might be a suitable SEP for future investigation."

By **MOTION** approve City Council Minutes of January 12 and 20, 2009 and the minutes of January 26, 2009 as corrected. **MOTION: Hanley/Powers/Approved 5:0**

4. **Professional Services Agreements for the Baltimore Ravine Specific Plan – PBS&J; Adrienne Graham, KD Anderson and Nexgen Utility Management**

Mayor Holmes stated that the project has been decreased from 74% of the land area to 37%. He asked for an explanation of what that means with respect to multi-family residences and single-family homes. Senior Planner Reg Murray responded.

Mr. Murray explained that since the initial scope of the work was presented, with about 1200 units, it has been down-sized. He said the last draft reflected the total count from 800 to 900 units.

Council Member Kirby said that to decrease the size of the development because of economic situation, without allowing enough build-out there, would be a serious mistake. He said the developer should look ahead thirty years from now when higher density infill property will be needed. He said he would be opposed to development of that land that leaves too much property open without the ability to utilize it properly.

Council Member Hanley asked if the down-sizing of the Baltimore Ravine Project would affect the Housing Element. Mr. Murray answered said that it could have an impact, but that the developer has not provided the final resubmittal as of this date. He said that Community Development is trying to make certain that certain provisions carry through to the new plan.

By **RESOLUTION 09-12** authorize the Community Development Director and the Public Works Director to execute an agreement for consulting services between the City of Auburn and PBS&J to assist the City in its review and preparation of the Baltimore Ravine Specific Plan and the Baltimore Ravine Environmental Impact Report. **MOTION: Powers/Hanley/Approved 5:0**

By **RESOLUTION 09-15** authorize the Community Development Director and the Public Works Director to execute an agreement for consulting services between the City of Auburn and Adrienne Graham to assist the City in its review and preparation of the Baltimore Ravine Specific Plan and the Baltimore Ravine Environmental Impact Report. **MOTION: Powers/Hanley/ Approved 5:0**

By **RESOLUTION 09-16** authorize the Community Development Director and the Public Works Director to execute an agreement for consulting services between the City of Auburn and KD Anderson to assist the City in its review and preparation of the Baltimore Ravine Specific Plan and the Baltimore Ravine Environmental Impact Report. **MOTION: Powers/Hanley/ Approved 5:0**

By **RESOLUTION 09-17** authorize the Community Development Director and the Public Works Director to execute an agreement for consulting services between the City of Auburn and Nexgen Utility Management to assist the City in its review and preparation of the Baltimore Ravine Specific Plan and the Baltimore Ravine Environmental Impact Report.

MOTION: Powers/Hanley/Approved 5:0

6. **Public Comment**

Mayor Holmes stated that Gordon Ainsleigh had previously appealed to the Council to support rock climbing in the Auburn State Recreation Area. He advised that Mr. Ainsleigh had presented a draft resolution to the Council. Mayor Holmes asked that consideration be given to Mr. Ainsleigh's proposal at a future Council meeting.

Mayor Holmes advised that in July 2008 the Council agreed to proceed with the exploration of photovoltaic cells that could potentially save the City in electricity costs. He said it was his understanding that there would be a request for proposal initiated for the item. He asked that the status of the proposal be presented at the next Council meeting.

REPORTS

7. **City Council Committee Reports**

Council Member Hanley stated that he had spoken with Congressman McClintock regarding the problem with fire prevention and suppression in the canyon and what the City is attempting to do with the Bureau of Land Management.

Council Member Nesbitt stated that he attended the Placer County Transportation Planning Agency meeting. He said the LTF Funds and the State Transit Assistant Funds to the City were approved. He said he and County Supervisor Holmes were named as Board Members on the Capital Corridor Joint Powers Authority Board. He said the next meeting will entail hearings on programs and cuts as the budget is prepared.

Council Member Kirby stated that he attended two meetings at the airport. He said an ongoing issue was discussed regarding personnel that are working at the airport and parking on the dirt and driving back to the taxiway. He said the same applies to construction equipment. Dr. Kirby advised that the vehicles are leaving dirt and rocks on the taxiways that come from the vehicles' tires. He said if a gate in the back could be opened, so that the vehicles could use that egress, it could prevent the problem of rocks on the taxiways and runway.

Council Member Kirby said there was a meeting of the Solid Waste Task Force at which he brought up the issue of pharmaceuticals and over-the-counter medications. He said there needs to be more reclamation events scheduled on a more frequent basis.

Mayor Holmes stated that he attended a meeting of the Sierra Economic Development Corporation. He said it was decided to send a letter to the California Redevelopment Agency in opposition to the proposal to take redevelopment funds from Cities and Counties.

COUNCIL BUSINESS

8. Statewide Septic System Proposed Regulations by the State Water Resources Control Board (AB 885)

Public Works Director Jack Warren introduced the item. He said the Placer County Board of Supervisors has written a letter of opposition. He advised that Assemblyman Ted Gaines also opposes the Assembly Bill. He asked the Council to also oppose the AB 885.

Council Member Hanley stated that the legislation was supposed to deal with specific areas such as the City of Malibu. He said the issues involved do not apply to Placer County, the law is not based on sound science, and it would create a hardship on Auburn families. He said the City should make its views known to the State Water Resources Control Board as well as State legislators.

It was agreed to send a cover letter with the resolution reflecting the signature of each Council Member.

By **RESOLUTION 09-14** oppose Assembly Bill 885 (Jackson), Statutes of 2000 and proposed AB 885 regulations and to send the resolution to the State Water Resources Control Board and the Legislature and to support bills that accomplish the repeal of AB 885. **MOTION: Hanley/Kirby/**
Approved 5:0

ADJOURNMENT

Mayor Holmes, without objection, adjourned the meeting in memory of Harry Sands at 6:30 p.m. to the meeting of the Auburn Urban Development Authority

J. M. Holmes, Mayor

Joseph G. R. Labrie, City Clerk